

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-5 are pending in the application. In the Office Action, the Examiner rejected Claims 1-5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,761,610 to *Sorensen et al.* (hereinafter *Sorensen*).

Applicant gratefully acknowledges the Examiner's grant of a telephonic interview with Applicant's counsel, Ryan C. Carter, Esq., which was held at 2:00 pm on February 1, 2007. In the proceeding Remarks, the Office Action and the interview will be discussed.

Regarding the §102(e) rejection of Claims 1-5, Applicant respectfully traverses.

As to Claim 1, the Examiner alleged that *Sorensen* discloses each and every recitation therein. Applicant respectfully asserts that *Sorensen* does not disclose the "wherein" clause recitations found in Claim 1. Particularly, in col. 2, lines 32-33 *Sorensen* states that because the display is small, one item is displayed at a time. This runs counter to Claim 1, which recites a page including a plurality of menu items. Based on the discussion with the Examiner in the interview, it appears that the Examiner agrees with this assessment of *Sorensen*, however the Examiner asserted that Claim 1 does not recite that the page is displayed. Accordingly, and in conformance with the Examiner's suggestion, Claim 1 has been amended herein to recite that the page including the plurality of menu items is "displayed" (which finds support at least on page 4, line 30 of the specification). It is respectfully submitted that this amendment overcomes the §102(e) rejection of Claim 1, and withdrawal of the same therefore is respectfully requested.

As to Claim 2, Applicant respectfully asserts that *Sorensen* fails to disclose each of the steps recited in Claim 2, particularly those recited in step (d). In the interview, Applicant's aforementioned counsel thoroughly discussed steps (a) to (d), as well as the sub-steps within (a) to (d), and noted how each of these steps and sub-steps were important at least to dictate how the pointer would shift on the menu. It was further explained how at the very least *Sorensen* does

not appear to disclose checking whether or not the timer interrupt had been previously generated, as recited in step (d), and that *Sorensen* does not appear to teach the recitations in step (d) regarding returning to step (a) if the timer interrupt has been generated and returning to step (a) after shifting the pointer to a next menu if the timer interrupt has not been generated.

In the interview, the Examiner attempted to allege where each of these steps and sub-steps were disclosed in *Sorensen*, but it is respectfully asserted that he could not do so. However, the Examiner alleged that step 501 in FIG. 5 read on the timer interrupt, and that since the extended menu 503 is selected if “yes” is determined in step 501, then he assumes that the steps recited in Claim 2 would be performed in *Sorensen*. However, Applicant strongly disagrees with the Examiner, as asserted in the interview, and respectfully contends that a §102 rejection cannot stand based on an Examiner’s mere assumptions. Instead, the cited reference must teach each and every limitation recited in the claim. Applicant respectfully submits that *Sorensen* fails to do so, and that the §102(e) rejection of Claim 2 should therefore be withdrawn.

As to Claim 4, the foregoing discussion regarding Claim 2 also applies to Claim 4, which includes similar recitations to Claim 2.

As to Claim 5, the foregoing discussion regarding Claim 1 also applies to Claim 5, which includes similar recitations to Claim 1 and is amended herein in the manner of amended Claim 1.


In view of at least the foregoing, withdrawal of the §102(e) rejection of Claims 1-5 is respectfully requested.

Independent Claims 1, 2, 4 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 3, this claim is likewise believed to be allowable by virtue of its dependence on independent Claim 2. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5 are

believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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